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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/954,623	09/12/2001	James D. Pustejovsky	019497-000710US	6829
20350	7590	12/21/2004	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			ARTHUR JEANGLAUDE, GERTRUDE	
		ART UNIT		PAPER NUMBER
				2144

DATE MAILED: 12/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Applicant No.	Applicant(s)
	09/954,623	PUSTEJOVSKY, JAMES D.
	Examiner Gertrude Arthur-Jeanglaude	Art Unit 2144

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 9/12/01.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-36 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) 10-20 is/are allowed.
 6) Claim(s) 1-9 and 21-36 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 12 September 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date 121001.

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____.

Claims 1-36 are presented for examination

DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities: in the specification page 2, line 21, Applicant's representative is required to update information by providing the serial number. Appropriate correction is required.

Claim Rejections - 35 USC § 112

Claims 4-7, 11, 21-35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear what is meant by the lexical type in claims 4-7, 11, 21.

Claims 22-35 are also rejected for incorporating the deficiencies of their base claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3, 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Botts et al. (U.S. Patent No. 6,415,290) in view of Fries et al. (US Patent No. 6,460,029).

As to claim 1, Botts et al. disclose a method for accessing one or more electronic mail (e-mail) messages from among plural e-mail messages, comprising: accessing a database (16) as shown in Fig.1 comprising e-mail messages however, Botts et al. fail to specifically disclose lexical elements based on the e-mail messages; and selecting one or more database entries by searching the lexical elements to produce one or more e-mail messages. In an analogous art, Fries et al. disclose a system for improving search text wherein it discloses a lexical elements (word search) based on the e-mail messages; and selecting one or more database entries by searching the lexical elements to produce one or more e-mail messages (See Fig. 8, abstract). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Botts et al. with that of Fries et al. by having lexical elements on the database in order to provide a better search query to the user.

As to claims 2-3, Botts et al. disclose all but fail to specifically disclose a query and the query being in natural language. In an analogous art, Fries et al. disclose a system for improving search text wherein it discloses natural language search query (See abstract). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Botts et al. with that of Fries et al. by having a natural language search query in order to provide a better search query for the user.

As to claim 36, Botts et al. disclose accessing email messages and storing and retrieving email messages in the database in a digital computer wherein one would consider having a computer program product for accessing electronic mail. However, in an analogous art, Fries et al. disclose a system for improving search text wherein it discloses a computer readable program with obviously codes for receiving, segmenting, storing and code for retrieving information (See abstract) in order to provide search query to the user.

Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Botts et al. (U.S. Patent No. 6,415,290) in view of Fries et al. (US Patent No. 6,460,029) and further in view of Apfel et al. (US patent No. 6,510,453).

As to claims 8-9, Botts et al. and Fries et al. disclose all but fail to specifically disclose voice based input text based query and including converting one or more e-mail messaged to a voice based output. In an analogous art, Apfel et al. disclose a system and method for creating and inserting multiple data fragments into an electronic mail message wherein it discloses voice based input to a text based query (See col. 15, lines 18-25). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Botts et al. and that of Fries et al. with the system of Apfel et al. by having a voice-based input in order to provide an electronic mail based on identity.

Claims 10-20 are allowed. The prior art fails to disclose a system for accessing electronic mail (e-mail) messages comprising: a text analyzer configured to receive a text stream and to segment the text stream into one or more lexical elements; a data store configured to receive the text stream and to receive the lexical elements; a user input device configured to receive user input and to produce a query; and an output device, the text analyzer further configured to receive the query, the text analyzer further configured to retrieve portions of text contained in the data store based on the query, the text analyzer coupled to the output device to deliver the portions of text.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

JP 2000092114 A discloses an electronic mail forwarding apparatus forwards electronic mail to server after substituting text of received mail to mail not forwarded to destination when transmitting origin address is stored in registration unit.

Hussey (U.S. Patent No. 6,230,156) discloses an electronic mail interface for a network server.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gertrude Arthur-Jeanglaude whose telephone number is (571) 272-6954. The examiner can normally be reached on Monday-Friday from 8:30 a.m. to 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski can be reached on (571) 272-3925. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GAJ

GAJ

December 12, 2004

Gertrude A. Jeanglaude
GERTRUDE A. JEANGLAUDÉ
PRIMARY EXAMINER